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Subdivision/Condominium Approval Procedures: A Guide for Applicants

September 1986



Ontario

Ministry of
Municipal
Affairs

THE PLANNING ACT, 1983

SUBDIVISION/CONDOMINIUM APPROVAL

PROCEDURES: A GUIDE FOR APPLICANTS

Ministry of Municipal Affairs

September, 1986



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These guidelines have been prepared to assist applicants when submitting a subdivision/condominium application to be processed by the Ministry of Municipal Affairs under Section 50 of the Planning Act, 1983. The information is subject to change. This booklet should be used together with a current copy of the Planning Act, 1983. Applicants should consult their solicitor on all legal questions.

We would appreciate receiving any comments or suggestions so that this publication may be revised and kept up to date for your benefit. Please mail your remarks to:

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Ministry of Municipal Affairs
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Toronto, Ontario M5G 2E5
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TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.0	<u>INTRODUCTION</u>	1
1.1	Delegation of Minister's Approval Power.....	2
1.2	Condominiums - Exemption from Approval.....	3
2.0	<u>PRE-APPLICATION</u>	5
2.1	Conformity to Planning Policies and Regulations.....	6
2.2	Physical Constraints.....	7
2.3	Plans Adjacent to Transportation Corridors.....	8
2.4	Plans Affected by Aircraft Noise.....	9
2.5	Other Sources of Noise and Odors.....	9
2.6	Additional Considerations - Services.....	10
2.7	Other Information.....	10
3.0	<u>SUBMITTING THE APPLICATION</u>	11
4.0	<u>THE DRAFT PLAN</u>	12
4.1	Title.....	12
4.2	Scale.....	12
4.3	Date.....	12
4.4	Ontario Land Surveyor's (OLS) Certificate.....	13
4.5	Owner's Signature.....	13
4.6	Access on and to the Site.....	14
4.7	Abutting Land Uses.....	15
4.8	Proposed Land Use and Density.....	15
4.9	Lot Size.....	15
4.10	Site Features.....	16
4.11	Easements, Rights-of-Way and Restrictive Covenants...	17
4.12	Water Supply.....	17
4.13	Storm Drainage.....	17
4.14	Sewage Disposal.....	17
4.15	Other Municipal Services.....	18
4.16	Public Open Space - Parks and School Sites.....	18

<u>Section</u>	<u>Title</u>	<u>Page</u>
4.17	Street Names.....	19
4.18	Staging.....	19
4.19	Key Plan.....	19
4.20	A Checklist of Additional Information Required for a Draft Plan of Condominium.....	20
5.0	<u>PRELIMINARY EVALUATION</u>	23
5.1	Circulation to Agencies.....	23
6.0	<u>" MINISTRY, DELEGATED AUTHORITY AND AGENCY EVALUATION..</u>	25
6.1	Revisions to the proposed plan prior to Draft Approval.....	25
6.2	Granting or Refusal to Grant Draft Approval.....	26
7.0	<u>APPEAL TO THE O.M.B. - PRIOR TO DECISION</u>	27
8.0	<u>DRAFT APPROVAL</u>	28
8.1	Conditions of Draft Approval.....	29
8.2	Subdivision Agreement.....	29
8.3	Notification of Draft Approval.....	30
8.4	Amending the Draft Approval.....	30
8.5	Referral of Conditions of Draft Approval.....	31
9.0	<u>STEPS TO FINAL APPROVAL</u>	32
9.1	Clearing Conditions.....	32
9.2	Final Plans.....	33
10.0	<u>LAND REGISTRATION REQUIREMENTS</u>	34
10.1	Certificate of Titles Act.....	34
10.2	Pre-registration Check.....	34
10.3	Association of Ontario Land Surveyors (A.O.L.S.) Plan Submission Form.....	35
11.0	<u>FINAL APPROVAL</u>	36
11.1	Submission Requirements.....	36
11.2	Final Plan Approval.....	37
11.3	Changes to Final Plans and Withdrawal of Approval....	37

12.0	<u>REGISTRATION</u>	38
12.1	Distribution of Registered Plans.....	39

Figure 1	Summary of Approval Procedures.....	4
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APPENDIX A	Section 50, The Planning Act, 1983
APPENDIX B	List of Municipalities which have been delegated the Minister's power to approve plans of subdivision and condominium.
APPENDIX C	Subdivision and Condominium Application Form
APPENDIX D	Registration Addresses

1.0 INTRODUCTION

This handbook is designed primarily for those involved in the planning and development of subdivision and condominium proposals. Its two major objectives are:

- to improve the quality of subdivision and condominium developments, and
- to minimize the time required for approvals.

Section 50 of the Planning Act, 1983 governs the subdivision of land by registered plan in Ontario. It sets out the information which must be contained in an application to the Minister of Municipal Affairs for subdivision approval and the matters which must be considered by the Minister, the municipality and other provincial and local agencies. For the information of the readers of this guide, section 50 is duplicated in Appendix A.

The Minister may approve the plan subject to conditions (draft approval) or refuse to give approval. The plan, the conditions, or the Minister's intention to refuse to approve the plan may be referred to the Ontario Municipal Board.

Section 50 of the Condominium Act provides that the subdivision requirements of the Planning Act also apply to condominium descriptions and a condominium description may not be registered unless it is approved, or has been granted exemption from the requirements of the Planning Act, by the Minister of Municipal Affairs.

This handbook explains the various steps in the approval process administered by the Ministry of Municipal Affairs. Applicants should also refer to the specific provisions of section 50 of the Planning Act, 1983, the Condominium Act and other related legislation such as the Land Titles Act and the Registry Act.

1.1 Delegation of Minister's Approval Power

Section 4 of the Planning Act permits the Minister of Municipal Affairs to delegate his approval authority to municipal councils which may in turn delegate to committees of council or appointed officials. Those municipalities which have been delegated the power to approve subdivisions and condominium plans are listed in Appendix B.*

The delegated authority's approval process for subdivision and condominium applications is similar but not identical to that of the Ministry. Since the specific requirements of the delegated municipalities may vary slightly, applicants should contact the planning department of the municipality concerning its specific procedures and requirements.

* At the time of printing, the Rental Housing Protection Act assigns the authority for approval of condominiums that involve a conversion of an existing rental apartment building directly to the local municipality.

1.2 Condominiums - Exemptions from Approval

The Condominium Act* provides that the proponent of a condominium proposal may apply to have the condominium description exempted from the approval requirements of the Planning Act.

Generally, the basis for exemption is that any planning concerns with the proposal have been addressed previously by the municipality and where:

- the municipality has an approved official plan covering the property;
- the property is zoned for the proposed use;
- the property has been subjected to Planning Act scrutiny and was:
 - . created for the use intended by the recent approval of a plan of subdivision or consent, or is
 - . designated as a site plan control area by by-law under section 40 of the Planning Act.

The Minister or delegated approval authority will decide whether to grant the exemption or require that the proposal proceed under section 50 of the Planning Act. An application for exemption is unlikely to be considered by the Ministry without the support of the local council. Therefore, any application for exemption should be accompanied by a resolution of the council of the local municipality supporting the application.

* The Condominium Act R.S.O. 1980, Section 50(3)

SUMMARY OF SUBDIVISION/CONDOMINIUM APPROVAL PROCESS

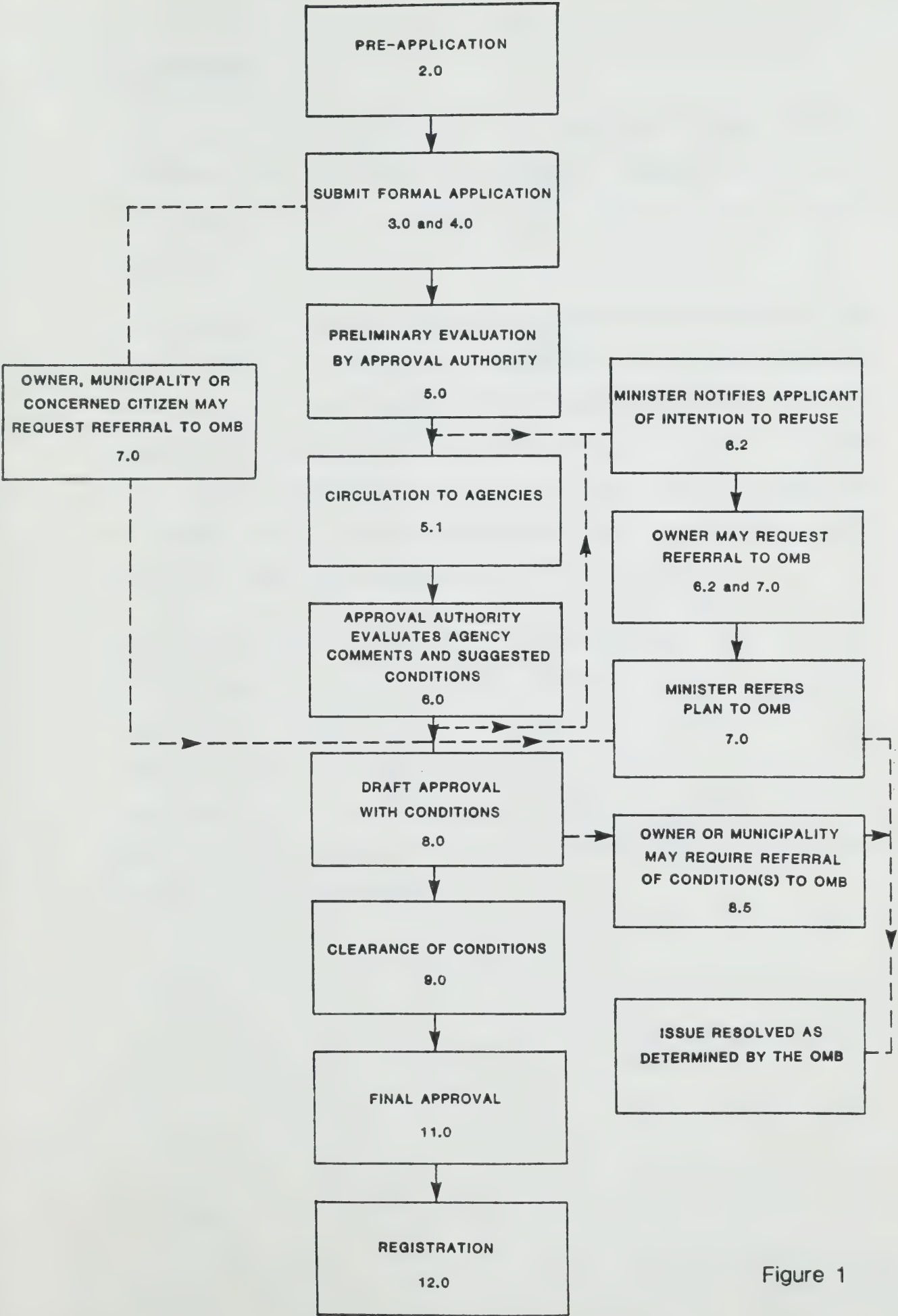


Figure 1

2.0 PRE-APPLICATION

Before making an application, the applicant should consider circumstances that may affect the proposal. Information gathered at this stage can help the applicant decide whether to make a formal application.

Much of the necessary information can be obtained from discussion with local officials. If the proposal is located in an area where approval authority has not been delegated, the applicant may wish to consult the Community Planning Advisory Branch or the Plans Administration Branches of the Ministry of Municipal Affairs. Where the land to be subdivided is located within a delegated municipality, the owner should consult officials in the planning department of that municipality.

The process may require negotiations and co-operation between the owner and the agencies involved in the approval process. A clear understanding of what is proposed, what is possible and what is acceptable is the aim of the pre-application procedure. A good rapport established early in the process can help to facilitate approval. However, binding commitments should not be made between a subdivider and a municipality at this stage.

The considerations which the applicant might use as a basis for discussion are discussed in the following few pages, including:

- o Conformity to Planning Policies and Regulations
- o Physical Constraints
- o Plans Adjacent to Transportation Corridors
- o Plans Affected by Aircraft Noise
- o Other Sources of Noise and Odors
- o Additional Considerations - Services
- o Other Information

2.1 Conformity to Planning Policies and Regulations

a. The Official Plan

Policies in the official plan are important because they indicate the municipality's intent for the area and establish the permitted future land uses. A plan of subdivision which does not conform with the official plan will not be draft approved. The owner should consider the following:

- . Does the proposal comply with the official plan, if one exists?
- . If the proposal does not comply, would an amendment to the existing official plan be appropriate and would the municipality consider amending the plan?
- . If there is a new official plan under preparation, how would the new policies affect the proposal?

b. Local Zoning By-laws

Final approval of a subdivision application will not be given unless it complies with municipal zoning provisions. Therefore, the following should be considered:

- . Do the proposed land uses, densities, lot sizes and setbacks comply with the existing zoning by-laws?
- . If the proposal does not comply, will the municipality consider an amendment to the zoning by-law.

c. Other Land Use Regulations

In certain areas, other regulations may affect an application, e.g., Minister's zoning orders, Parkway Belt land use regulations, or Niagara Escarpment development control regulations. Generally, these regulations exist in areas where a provincial interest has been identified or in areas lacking local planning controls. Before the applicant considers any development, he should check with the local municipality and the Community Planning Advisory Branch or the Plans Administration Branch of the Ministry of Municipal Affairs.

2.2 Physical Constraints

If the property is subject to flooding or fronts on a lake or river, or is located in an area where leda clays (unstable slopes) may be present, the Ministry of Natural Resources and/or the local conservation authority should be consulted to discuss any concerns they might have with a development proposal in these areas.

2.3 Plans Adjacent to Transportation Corridors

When a development proposal is proposed near a highway, the impact of the vehicular noise on future residents will be considered in the evaluation of the proposal.* Therefore, whenever a proposal relates to an area adjacent to a freeway, the applicant should consult with the Ministries of the Environment and Transportation and Communications which have expertise in the area of noise impacts. These ministries may require reports dealing with noise abatement measures. Similarly, where a plan is located adjacent to a railway line, the Ministry of the Environment should be consulted to discuss its concerns regarding noise levels and possible noise abatement measures.

As well, the Ministry of Transportation and Communications regulates access to provincial highways. The applicant may be required to obtain a permit for access to the highway from the development site. It is advisable, therefore, to contact that ministry early in the process to discuss any concerns they may have with granting the highway access permit.

* Copies of "Guidelines on Noise and New Residential Development Adjacent to Freeways" are available from the Ministry of Municipal Affairs.

2.4 Plans Affected by Aircraft Noise

In areas exposed to high levels of aircraft noise certain types of development may be prohibited or restricted. If the proposal is in an area of lower noise susceptibility the development may be approved on the condition that certain noise studies be completed and adequate noise reduction measures can be implemented.

Two recommended sources of information are: "Land Use Policy Near Airports" (available from the Ministry of Municipal Affairs) and "New Housing and Airport Noise" (available from Canada Mortgage and Housing Corporation).

2.5 Other Sources of Noise and Odors

Other noise sources such as industrial noise are the responsibility of the local municipality. Some municipalities may have by-laws relating to these kinds of noise sources. This should be checked with municipal officials.

The Agricultural Code of Practice provides for minimum separation distances between incompatible uses and livestock operations. It is provincial policy that these minimum separation distances be applied when new development is proposed. This can be checked with the local municipality, the Ministry of Agriculture and Food or the Ministry of the Environment.

2.6 Additional Considerations - Services

A major consideration is how the new development will be serviced. If municipal sanitary sewers, storm sewers and piped water are proposed is capacity available to service the proposal? Or, if wells and septic systems are proposed, are the soil and drainage conditions capable of supporting them? These questions should initially be directed to the local municipality but may ultimately lead to discussions with the Ministries of Natural Resources or the Environment which have expertise in these matters.

2.7 Other Information

Other documents such as municipal or consultants' reports, if any are available, assist in the evaluation and may be submitted with the draft plan. Air photos, photo mosaics and copies of the plan reduced to normal page size can also be submitted.

3.0 SUBMITTING THE APPLICATION

When submitting a plan for approval a completed application form must accompany the draft plans. Application forms are available from the Plans Administration Branches in Toronto, the local Community Planning Advisory Branch, or from the appropriate delegated authority. (A copy of the Ministry's application form is attached as Appendix C.) To avoid delays in processing the draft plan, both the application form and draft plan must be complete. The applicant should check with the approval authority regarding the required number of copies of the plans that should be submitted with the application.

The applicant may also wish to consider discussing alternative road patterns with the municipality or whether a school site will be required. Some requirements of the municipality could then be incorporated in the draft plan proposal thereby resolving some of their concerns prior to submission of the application to the ministry.

4.0 THE DRAFT PLAN

The Planning Act is quite specific about the information that must accompany an application. The following is a checklist based on the requirements of section 50(2) and Ministry review procedures and can be used as a reference to ensure the submission will be complete.

4.1 Title

The following information should be included in the title:

- . the original township name, lot and concession/mining claim number;
- . the Crown grant where the proposed plan of subdivision is located (if applicable);
- . the current name of the local municipality;
- . if the current proposal is a re-submission, the file number previously assigned.

4.2 Scale

The scale must be specified. The scale should not be larger than necessary to show all information clearly. The scale and measurements should be in metric units.

4.3 Date

The date the plan was prepared should be shown. If the plan is revised and resubmitted, the original date and the date(s) of any revisions should also be shown.

4.4 Ontario Land Surveyor's (O.L.S.) Certificate

The Planning Act, 1983 requires that the boundaries of all draft plans of subdivision be certified by a licensed surveyor. Surveyors should ensure that these boundaries are distinctly shown and that there are enough measurements to permit comparison with other known boundaries, e.g., highways.

If the surveyor is satisfied that the work of a previous O.L.S. is adequate, he should state this in his certificate and use the previous survey boundaries.

4.5 Owner's Signature

The owner's signature and, if he does not make the application himself, a statement of authorization for his agent must be included on the face of the draft plan or on the application form.

4.6 Access On and To the Site

o Roads

Generally, a plan of subdivision which does not have direct access to an existing public road will not be approved.

The draft plan should specify:

- . the width, names and locations of all existing and proposed road allowances and rights-of-way;
- . whether they are open for use, privately or publicly owned and privately or publicly maintained;
- . if any existing road allowances located on the proposed plan will have to be closed. If an original road allowance must be closed to accommodate a subdivision plan, it is generally required as a condition of draft approval. The closing must therefore take place before final approval is granted. If the road has already been closed, the date and instrument number by which this was done must be indicated on the proposed draft plan.

o Water Access

Where access to the site is by water, the following should be included:

- the location, size and ownership of a mainland parking area;
- the location of roads giving access to parking;
- whether those roads are publicly or privately owned and maintained;
- the ownership of any water lots (in the immediate vicinity);
- location and size of docking facilities;
- any public access to the water (existing or to be conveyed).

4.7 Abutting Land Uses

Land uses abutting the site must be identified.

4.8 Proposed Land Use and Density

All proposed land uses and the densities or number of units of residential uses (including blocks which may be developed for future rental or condominium units) on the plan should be specified.

4.9 Lot Size

The approximate dimensions and layout of the lots in the plan must be specified.

4.10 Site Features

Every plan may have a number of natural and artificial site features which must be shown. Some of these are listed below:

o Natural

- Natural features include water courses, drainage patterns, swamp areas, flood limits, wooded areas, erosion activity, gulleys, ravines, embankments, high water marks, water's edge, the nature of the shoreline, i.e., rocky, treed, swampy, stumped, sandy.
- The nature of the bed of the water, e.g., sandy, gravelly, stoney, rocky, marshy, rock outcropping, stumped areas, etc.
- The nature and porosity of the soil should be shown on the draft plan.

o Artificial

- Artificial features include buildings and structures, drainage ditches, dams, highways, streets, railways, garbage and refuse dumps and depths of any filled areas.

o Contours

- Contours and/or spot elevations for the subdivision site should clearly identify drainage patterns, road and service locations and gradients, so that the general topography of the site can be readily understood.
- Many municipalities have established survey data. The proposed subdivision contours should be based on the same data (where it exists) or on the data provided by the survey, where available.
- The interval between contour lines will depend on the site. An interval of two metres is acceptable for even terrain. More rugged property will require a closer interval, e.g., one metre.
- Contour lines and/or spot elevations should be extended beyond the boundaries of the proposed site, to show the nature of the terrain immediately adjacent to the site.

4.11 Easements, Rights-of-Way and Restrictive Covenants

- o The location, width, purpose and nature of any easements, rights-of-way, or restrictive covenants must be shown on the plan.
- o Any unopened road allowances and reserves must be shown.
- o Unregistered easements, such as a telephone company trunk line, must be shown.

4.12 Water Supply

- o The intended source of water supply for drinking and other purposes, i.e., private wells or municipal piped water;
- o The intended ownership and responsibility for operation and maintenance of a water supply if the system proposed is to be communal.
- o Note: The Ministry of the Environment requires that a public agency, usually the municipality, should be responsible for the operation of a water supply system.

4.13 Storm Drainage

- o The way in which surface water will be carried away and disposed (whether by open ditches or a municipal storm sewer);
- o The location of existing public storm drainage systems on the draft; if a storm sewer is to be constructed but not used immediately, either due to a lack of trunk sewer capacity or an adequate outlet, this should be clearly stated on the application.
- o Any temporary storm drainage system.

4.14 Sewage Disposal

- o Public Disposal (sewers)

The location of the nearest public sanitary sewer, if one exists, should be shown. Proposed sanitary services are those that will be installed and available for use at the time of building occupancy. If

a sanitary sewer is to be constructed but not used due to lack of trunk sewers, pumping or treatment facilities, the application form should state this clearly.

o Private Disposal

If a private waste disposal system (such as septic tanks) is proposed, the means of disposal and treatment should be specified. Also, the plan should show the approximate location on each lot, if known, where tile disposal beds can be located.

4.15 Other Municipal Services

A statement about the available municipal services should be included, e.g., garbage collection and disposal, fire and police protection.

4.16 Public Open Space - Parks and School Sites

If a plan proposes public open space or a school site, the intended means of access, location, size and type (i.e., public or private parks and type of school) should be shown.

Note: An applicant may be required to dedicate up to 5% of the land in a residential plan of subdivision or up to 2% in an industrial or commercial plan to be used for parkland. Alternatively, the municipality may require the payment of cash in lieu of the land dedication.

4.17 Street Names

In many municipalities the clerk is responsible for avoiding duplication of street names. One of the following courses of action is recommended:

- o Consult with the metropolitan or regional planning department, if one exists, on the names to be used. Otherwise consult the local council, or clerk.
- o Identify each proposed street by a letter or number on the draft plan. The actual names can be decided later and can be included as a condition of draft approval.

4.18 Staging

The development of a particular site is sometimes planned to take place over a number of years. In such cases, the parts of the plan to be developed and the order in which development is planned should be marked clearly.

4.19 Key Plan

A key plan places the proposed plan in the context of the surrounding land. The key plan should be drawn to a scale of not less than 1 cm: 100 m. The following should be shown:

- o All adjacent land owned by the applicant or in which the applicant has an interest.
- o Adjoining development and how it will be integrated with the proposed plan, e.g., road connections, consolidating park sites.
- o The original township lot number and concession lines.
- o Sufficient information so that the site can be found for inspection, i.e., north point, highways and street names leading to the site, railways, buildings, water courses, distances from nearest major development, etc.

4.20 A Checklist of Additional Information Required For a Draft Plan of Condominium

Condominium developments differ from freehold subdivisions in that there is:

- o ownership of the individual dwelling unit
- o exclusive use portions of the common element, e.g. backyards, parking spaces
- o joint use of other common elements, e.g. roads, walkways, parkland

As for a plan of subdivision, a plan of survey showing the perimeter of the horizontal surface of the land must be submitted. This plan must also show the perimeter of the buildings. In addition, an application for approval of a plan of condominium must include:

- o structural plans of the buildings;
- o specification of the boundaries of each unit by reference to the buildings;
- o diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to other units in the building;
- o a description of any interests affecting the land e.g. easements.

Because of these differences and the need for statistical information, the following additional information should also be provided.

4.20.1 Date of construction

Specify when construction began, was completed or will begin.

4.20.2 Zoning

Specify the provisions and requirements of the related zoning by-law.

4.20.3 Number of residential units

Specify the total number of residential units by type, i.e., 20 townhouses, 20 apartment units, etc.

4.20.4 Bedroom count

Specify the number of 1 bedroom, 2 bedroom, 3 bedroom units, etc.

4.20.5 Floor Coverage

Specify the total amount of floor space per residential unit type.

4.20.6 Parking

Specify the surface and underground parking facilities provided.

4.20.7 Proposed Density

Specify the type and number of dwellings per hectare.

4.20.8 Exclusive Use Areas

Mark the portions of the common element reserved for the exclusive use of the resident(s) of each unit, including parking.

4.20.9 Roadways and Pedestrians Access

Show the internal roads and walkways on the Plan.

4.20.10 Floor Plans

Typical floor plans are required for apartment buildings and townhouses to show the units to be registered on the final plan. Units on non-typical floors should also be identified with appropriate floor plans.

5.0 PRELIMINARY EVALUATION

The Ministry of Municipal Affairs or delegated approval authority will open a file and assign a file number. Subdivision applications are assigned a "T" - number, e.g. 41T-85006. Condominiums are assigned a "CDM" - number, e.g., 55CDM-85001.

The Plans Administration Branch or the delegated municipality checks the application against official plan policies for the area. If the application does not comply with the policies of the official plan, it will not be considered. If an amendment to the official plan to permit the application has been or is just about to be submitted for approval, the draft plan and the official plan amendment will be processed concurrently, wherever possible.

If the application complies with the official plan policies, the draft plan is checked for completeness and adequacy in accordance with section 50(2) of the Planning Act. See section 4.0 of this guide for a checklist of the complete draft plan requirements.

5.1 Circulation to Agencies

If an application is complete and the proposal complies with the official plan, it will be circulated to appropriate agencies for comment (section 50(3) of the Planning Act).

In order to minimize approval time, only those agencies with direct involvement receive the draft plan for comment. In all cases the draft plan is circulated to the local municipality and, where applicable, the upper tier municipality or county (if approval has not been delegated).

Where appropriate, a draft plan may be circulated to provincial ministries, such as:

- . Ministry of the Environment
- . Ministry of Transportation and Communications
- . Ministry of Agriculture and Food
- . Ministry of Natural Resources
- . Ministry of Education and/or local school boards
- . Ministry of Energy
- . Ministry of Municipal Affairs - local Community Planning Advisory Branch (or Plans Administration Branch, if approval has been delegated)

In addition, the draft plan may be circulated to any other affected agency such as conservation authorities, rail companies, utility companies, Federal agencies and the local health unit.

Agencies are generally given 60 days to respond. If they cannot reply in that time, they must request an extension and provide reasons why the extension is required. Otherwise, they are considered to have no objection.

If a decision cannot be made within 90 days, the applicant is sent a status letter outlining the review to date.

6.0 MINISTRY, DELEGATED AUTHORITY AND AGENCY EVALUATION

Each agency reviewing the proposal is expected to comment on it to the approval authority and to suggest conditions which should be applied to the approval. If there are serious concerns which cannot be resolved through conditions, the agency may request that the plan be refused. The Ministry will ensure that any conflicts between the agencies and the owner are resolved before the conditions are finalized and draft approval is given to the plan.

Section 50(4) of the Planning Act spells out what the approval authority and the local municipality should consider when assessing an application. These considerations are as follows:

- o the effect of the development of the proposed subdivision on matters of provincial interest;
- o conformity of the plan to the official plan;
- o whether the proposed subdivision is premature or necessary in the public interest;
- o suitability of the land for the purpose for which it is to be subdivided;
- o adequacy of the roads leading to and on the site;
- o compatibility of the layout of the plan with adjacent plans of subdivision;
- o suitability of the size and shape of the lots;
- o restrictions or proposed restrictions on the site or on adjoining lands (e.g. zoning by-law provisions);
- o conservation of natural resources and flood control;
- o adequacy of utilities and municipal services;
- o adequacy of school sites;
- o the amount of land within the site (excluding highways) to be conveyed or dedicated for public purposes;

- o the physical layout of the plan, having regard to energy conservation; and
- o the extent of exclusive use areas of a condominium application.

6.1 Revisions to the Proposed Plan prior to Draft Approval

Draft plans may be revised as a result of the evaluation process or a change in the applicant's plans. More significant changes generally require the submission of a revised plan. Should this be necessary, the applicant should check on the number of plans required by the approval authority for re-circulation and for draft approval. The date of the revision and the changes from the original draft plan should be shown.

6.2 Granting or Refusal to Grant Draft Approval

Section 50(13) of the Planning Act provides that the Minister or his delegate may approve or refuse to give his approval to a plan of subdivision. Where the approval authority proposes to refuse approval, he must send notice to the applicant together with written reasons for his decision.

Reasons for refusing a plan may include:

- o conflict with a provincial policy or interest;
- o non conformity with an official plan;
- o premature in that the the development proposed would not constitute orderly development of a community in an area without official plan coverage; or
- o serious objection on the part of a circulated agency which cannot be resolved e.g. lack of services for the proposed development.

Under Section 50(14) the applicant is given 60 days from the sending of the notice, to request the Minister to refer the draft plan to the

Ontario Municipal Board. If the applicant does not respond within that time, the plan is deemed to be refused.

7.0 APPEAL TO THE OMB - PRIOR TO THE DECISION

Under section 50(15), the minister or the delegated approval authority may refer a subdivision or condominium application to the Ontario Municipal Board upon request of the owner, the municipality, a circulated agency or a member of the public. The Draft Plan shall be referred to the board unless in the opinion of the approval authority, it is:

- o not made in good faith
- o frivolous or vexatious, or
- o made only for the purpose of delay.

The Planning Act provides that a request for referral can be made only before draft approval or before the Minister or his delegate has refused to give his approval to the draft plan. The possibility of referring the conditions of draft approval to the Ontario Municipal Board is discussed in section 8.5 of this guide.

8.0 DRAFT APPROVAL

The draft approval of the plan of subdivision is issued under section 50(13) of the Planning Act. Condominium plans are approved under the Planning Act and the Condominium Act. The minister's approval is stamped on the plan and appears in the following format:

Subject To The Conditions Set Forth In Our
Letter Dated This Draft
Plan is Approved Under Section 50 Of The
Planning Act, 1983
The day of 19....

The Draft approval is a written commitment by the approval authority to the applicant that the development can proceed as long as the imposed conditions are met. On the basis of a draft approval the applicant may enter into legally binding agreements such as a subdivision agreement with the municipality. (Section 8.2 of this guide lists the matters usually dealt with in the agreements). The owner may also proceed to lay out the roads and lots and enter into agreements of purchase and sale for conveying the proposed lots once draft approval has been given. The actual conveyance, however, cannot be completed until the plan is registered.

8.1 Conditions of Draft Approval

Most draft plans of subdivision are approved subject to conditions imposed under Section 50(5) of the Planning Act.

Conditions are intended to:

- o ensure that federal, provincial and local interests are generally satisfied and that there is compliance with government policies and procedures, e.g. land for highway widenings is dedicated.
- o give local governments authority to enter into subdivision agreements with developers on local matters, in accordance with the conditions of draft approval relating to parks, utilities and so on;
- o ensure that direct action is taken to satisfy the terms of draft approval:
 - by completing work so that conditions specified by the various agencies will be satisfied,
 - by conveyances and transfers,
 - by executing agreements.

8.2 Subdivision Agreement

Subdivision agreements between the proponent of the development and the municipality (section 50(6)) may deal with matters such as:

- . staging of development
- . municipal services and utilities
- . minimum road standards
- . minimum construction and material standards
- . conveyance of land for park purposes or cash in lieu of land
- . site grading
- . access to the site
- . provision of services
- . costs chargeable against development

- . municipal approval of site plans
- . demolition or removal of existing buildings
- . erection of temporary structures during construction
- . liability
- . maintenance responsibility
- . assumption of services
- . utilities and roads
- . necessary conservation measures not within the scope of a conservation authority
- . form and amount of bonding or other assurances.

8.3 Notification of Draft Approval

The Ministry of Municipal Affairs or delegated authority sends a copy of the draft approved plan which carries the minister's or delegated authority's stamp of approval and a copy of the conditions to:

- a) the applicant
- b) the local municipality
- c) the upper tier municipality (i.e. the Region, the county or the district municipality) where approval authority has not been delegated
- d) the Ministry of Municipal Affairs where approval authority has been delegated

Other agencies that requested conditions generally receive a copy of the conditions imposed.

8.4 Amending the Draft Approval

Under section 50(18) of the Planning Act, the draft approval may be amended or withdrawn altogether. Sometimes the applicant may wish to change the proposal (e.g., either add or delete lots). This should always be done in consultation with the approval authority and the local municipality. If the proposed amendment is serious enough to warrant recirculation, the approval authority will contact the appropriate agencies for comments. When the draft approval has been amended, the applicant will receive a copy of the amended conditions and the draft plan. Commenting agencies may also receive a copy of the amended documents.

8.5 Referral of Conditions of Draft Approval

Under section 50(17), where the owner or the municipality is not satisfied with the conditions or any of the conditions imposed, or to be imposed, either party may, at any time before the plan of subdivision is finally approved, directly refer the condition or conditions to the Ontario Municipal Board by written notice to the Secretary of the Board and to the Minister or delegated approval authority. Under this section of the Act, the Minister or approval authority does not review the referral to determine if it should proceed to the Municipal Board.

Once the OMB has decided on a referral under section 50(17), the administration of the conditions reverts to the approval authority.

9.0 STEPS TO FINAL APPROVAL

9.1 Clearing Conditions

The draft approval letter lists the conditions of approval and provides the name of the agency involved. The applicant must comply with the conditions of draft approval to the satisfaction of the agency prior to final approval. In order to ensure that the correct steps are taken to fulfill the conditions, each agency identified should be contacted to ensure that the applicant's understanding of the requirements matches that of the agency's. Contacts for each agency, their Addresses and telephone numbers are provided in the "NOTES" at the end of the draft approval letter.

Some conditions require that certain actions be taken prior to final approval, e.g. preparation of required reports such as noise abatement. When the conditions have been carried out, each agency must send a letter to the approval authority describing briefly how each condition has been satisfied. This is referred to as clearing of conditions.

Conditions requiring work to be carried out after final approval are satisfied through the subdivision agreement. The agency clears such conditions by indicating that it is satisfied with the wording of the subdivision agreement.

9.2 Final Plans

The proposed final plan should be drawn to reflect the draft approved plan. If, for any reason, the final plan cannot be drawn to reflect the draft approved plan, the approval authority should be notified as soon as possible, so that any necessary changes may be made to the draft approval (see section 8.4, "Amending the Draft Approval").

10.0 LAND REGISTRATION - REQUIREMENTS

10.1 Certificate of Titles Act

Ontario has two systems of land registration:

The Registry Act System

The Land Titles Act System

The Registry Act System, which is the older system of registration, has been replaced with the Land Titles Act System in many parts of the province.

The applicant should determine which system applies to the proposal. Prior to registration under the Registry Act System the applicant must obtain a certificate indicating unencumbered title to the land pursuant to the Certificate of Titles Act from the appropriate regional surveyor (see Appendix D for the list of regional surveyors).

10.2 Pre-registration Check

For Condominium Plans, the applicant must first obtain the approval of the final plans from the Examiner of Surveys before submission to the approval authority for final approval. If the plans meet the approval of the Examiner of Surveys "FORM J-1" will be attached indicating that the plans are suitable for registration.

This approval is obtained from the:

Confirmation and Condominium Section
Real Property Registration Branch
Ministry of Consumer and Commercial Relations
543 Yonge Street
3rd Floor
Toronto, Ontario
M7A 2J8

For Subdivision Plans, the applicant's surveyor should submit the proposed final plan directly to the appropriate land registry office (see Appendix C), for a pre-registration check. Where the Registry Act applies, the surveyor should send one paper print. If the Land Titles Act applies the initial submission should also include details of land adjoining the lands included in the Plan and photocopy appropriate parcel register.* This print is required in addition to the original, duplicates and paper prints required for actual registration.

The land registry staff will check the suitability of the print for registration. It is important that this advance submission be made before final approval of the planning authority is sought since plans which are found to be unsuitable for registration and require changes would have to be resubmitted to the planning approval authority for final approval.

10.3 Association of Ontario Land Surveyors (A.O.L.S.) Plan Submission Form

Effective Jan. 1, 1986, Regulation 898 RPO, as amended by O. Reg. 638/85 provides that subdivision plans certified by a surveyor after Dec. 31, 1985 and submitted for registration must be accompanied by the Plan Submission form of the Association of Ontario Land Surveyors (A.O.L.S.). The Registrar in turn forwards the A.O.L.S. plan submission form to the Survey Review Department of the Association of Ontario Land Surveyors.

* NOTE: The registry office staff should be consulted for up to date information on their requirements.

11.0 FINAL APPROVAL

11.1 Submission Requirements

After the final plan of subdivision has been prepared, the plans should be sent directly to the Plans Administration Branch of the Ministry of Municipal Affairs or the delegated approval authority.

The following should be submitted for plans of subdivision:

- 1 original
- 3 translucent duplicates
- 4 paper prints
- 1 paper print with A.O.L.S. Plan Submission Form
- 1 owner's duplicate (optional)

For Condominium plans:

- 1 set of original Plans
- 5 sets of translucent duplicates
- 3 sets of white paper prints
- form J1 (referred to in 10.2)

11.2 Final Plan Approval

Once the final plan has been checked and the letters from the agencies clearing the conditions have been received and found to comply with the draft approval, the plan is endorsed with the Minister's stamp of approval shown below. The plan is now ready for registration (section 50(20) of the Planning Act). The specific requirements of a delegated authority regarding this aspect may differ slightly from those of the ministry. The delegated authority should be contacted directly, concerning its requirements.

Approved under Section 50 of

THE PLANNING ACT, 1983

This day of 19..

The approval authority then forwards the approved plans to the appropriate Registration Office and retains one paper print for their records.

11.3 Changes to Final Plans and Withdrawal of Approval

There are occasions when changes to plans of subdivision may be necessary following final approval by the minister or a delegated approval authority, e.g., death of an owner, additional Land Registry Office requirements, etc. In these cases, the matter should be brought to the attention of the approval authority.

If a plan of subdivision is not registered within one month of the date of final approval, the approval authority may withdraw final approval. If final approval is withdrawn the plan does not revert to Draft approval status. If the applicant wishes to continue with the subdivision of the land at a later date a new application would be required.

12.0 REGISTRATION

Final plans of subdivision are registered* under one of the land registration systems (subsection 50(22) of the Planning Act, 1983).

Under both systems, the Ministry of Municipal Affairs or delegated approval authority forwards the final plans directly to the appropriate land registry office. (see Appendix D)

For condominium plans, the Ministry of Municipal Affairs or delegated approval authority sends the final plans by bonded courier to the:

Confirmation and Condominium Section
Real Property Registration Branch
Ministry of Consumer and Commercial Relations
543 Yonge Street
3rd Floor
Toronto, Ontario
M7A 2J8

* The registered plan should not be confused with other types of plans, e.g., a reference plan is only a description deposited in the registry or land titles office. It is given an "R" number of identification, but it is not a registered plan.

12.1 Distribution of Plans

After registration, copies of the plan of subdivision are distributed by the Land Registrar as follows:

- o the original and one white paper print are retained by the Land Registrar;
- o one translucent duplicate to the clerk of the local municipality in which the subdivision is located;
- o one translucent duplicate and two white paper prints to the regional office of the Assessment Division of the Ministry of Revenue;
- o one translucent duplicate to the Planning Approval Authority;
- o one paper print (with Plan Submission form) to Association of Ontario Land Surveyors (A.O.L.S.);
- o the owner's copy, if any, to the owner.

Condominium Plans are distributed as follows:

- o the original and one set of translucent duplicates are retained by the Land Registrar;
- o one set of translucent duplicates to the local municipality in which the condominium is located;
- o one set of translucent duplicates to the regional office of the Assessment Division of the Ministry of Revenue;
- o two sets of translucent duplicates and one set of paper prints to the Ministry of Municipal Affairs or delegated approval authority;
- o one set of paper prints to the Survey Standards and Title Examination Office.

APPENDIX A

SECTION 50

...

“ **50.**—(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

Application
for approval
of
subdivision
plan

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

What draft
plan to
indicate

- (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision

adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- (d) the purpose for which the lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister may confer

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision.

What matters to be regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;
- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

Dedication of
land for park
and highway
purposes

- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall

be dedicated for park or other public recreational purposes;

- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Alternative
requirement

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

Cash
payment in
lieu of
conveyance

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land,

- (a) to the value of the land otherwise required to be conveyed; or
- (b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the

land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Valuation of
land

R.S.O. 1980,
c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time.

Use and sale
of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund.

Fund for
acquisition of
park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

Special
account

R.S.O. 1980,
c. 512

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Giving or
refusing of
approval by
Minister

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request

Reasons for
refusal

the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to
O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal
of approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions of such approval at any time prior to his approval of a final plan for registration.

When draft
plan
approved
R.S.O. 1980,
cc. 493, 445,
230

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

Approval
of plan by
Minister

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Withdrawal
of approval
of plan for
registration

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates
to be
deposited
and sent to
Minister
R.S.O. 1980,
cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. 1983, c. 1, s. 50.

Saving

APPENDIX B

LIST OF DELEGATED MUNICIPALITIES

JUNE 1986

APPENDIX B

LIST OF DELEGATED MUNICIPALITIES (as of June 1986)

- The Municipality of Metropolitan Toronto
2nd Floor, City Hall, 100 Queen St. West, Toronto M5H 2N1
- The County of Oxford
Box 397, Court House, 415 Hunter St., Woodstock N4S 7Y3
- The District Municipality of Muskoka
Box 1720, 10 Pine Street, Bracebridge P0B 1C0
- The Regional Municipality of Durham
Box 623, 605 Rossland Road East, Whitby L1N 6A3
- The Regional Municipality of Halton
Box 7000, 1151 Bronte Road, Oakville L6J 6E1
- The Regional Municipality of Hamilton-Wentworth
Box 910, 119 King Street West, Hamilton L8N 3V9
- The Regional Municipality of Niagara*
2201 St. David's Rd., Box 1042, Thorold L2V 4T7
- The Regional Municipality of Ottawa-Carleton
222 Queen Street, Ottawa K1P 5Z3
- The Regional Municipality of Peel
10 Peel Centre Dr., Brampton L6T 4B9
- The Regional Municipality of Sudbury
Box 370, 200 Brady Street P3E 4P2
- The Regional Municipality of Waterloo
Marsland Centre, 20 Erb Street W., Waterloo N2J 4G7
- The Regional Municipality of York
Box 147, 62 Bayview Avenue, Newmarket L3Y 4W9
- The City of North Bay
Box 360, 200 McIntyre St. E. PIB 8H8

* The Regional Municipality of Niagara has been delegated the power to approve subdivision applications only. All others have been delegated the power to approve both subdivision and condominium applications.

APPENDIX C

APPLICATION



SUBDIVISION & CONDOMINIUM APPLICATION GUIDE

for applying for approval under section 50
of the Planning Act, 1983
and under section 50 of The Condominium Act

The application guide and form are for both subdivisions and condominiums.
All questions should be filled out for subdivisions except for those reserved for
condominiums, (marked*). All questions are to be answered for condominiums.

A. APPLYING FOR SUBDIVISION/ CONDOMINIUM APPROVAL

1. The attached application form is to be used only when applying to the Minister for condominium and subdivision approval. It is not for use when approaching a local municipality with regard to a subdivision or condominium.
2. The Minister of Municipal Affairs and Housing has delegated subdivision approval authority to a number of regional municipalities throughout the province. You should check with the local municipality to determine if the approval authority has been delegated.

B. USING THE APPLICATION FORM

1. The attached application form should be completed with four copies to the Plans Administration Branch. In all cases please ensure that you keep a copy for your files. The applicant is advised, however, to approach the local municipality for official plan, zoning and policy information before making a formal application.

It is also important to note that circulation of new applications cannot be guaranteed unless the draft plan of subdivision conforms to the official plan or is the subject of an official plan amendment. In those cases where a corresponding official plan amendment has been received, the plan of subdivision and the official plan amendment will be circulated simultaneously.

2. The application should be completed by the property owner or his authorized agent. Where it is being made by an agent, the written authorization may be shown on the face of the draft plan.
3. It is the responsibility of the owner to research and evaluate the site and the proposal to ensure that the development will conform with the interests of the health, safety and welfare of the future residents, either owners or tenants. Sufficient studies for the completion of the application should be carried out prior to a submission for approval, and should be reflected in the application form. This information will assist in a quick and comprehensive assessment of the application. If further studies are required, the applicant will be notified. If the form or the draft plans seem incomplete or inaccurate the application will be returned for completion, correction or clarification prior to processing.

C. DRAFT PLANS

1. The Planning Act, 1983 requires that all applications must be accompanied by copies of the draft plan as required by the Minister. The draft plan must be drawn to scale, with boundaries certified by an Ontario Land Surveyor. To carry out the review of condominium applications, a minimum of 25 copies of the draft plan will be required. Subdivision applications require a minimum of 35 copies. If further copies are needed, the applicant will be notified.
2. The draft plans should indicate all items as required by section 50(2) of the Planning Act, 1983 (listed on the reverse of this guide).
3. Draft plans proposing condominium ownership require additional information (listed on the reverse of this guide).

D. DEALING WITH THE APPLICATION

1. After accepting the completed application, the Minister may confer with officials of municipalities and other ministries, commissions and authorities and with others who may be concerned, to obtain information and recommendations.
2. After an evaluation of the plan and of the recommendations from other bodies as noted above, conditions may be imposed in granting approval of the draft plan (draft approval).

3. The conditions of draft approval must be fulfilled prior to the approval of the final plan. The agencies affected by the conditions must indicate that they have been fulfilled.

In some cases, agencies may require that a copy of the completed subdivision agreement be forwarded to them prior to notifying the Minister that the conditions have been fulfilled.

4. Sections 50(15) and 50(17) of the Planning Act, 1983 provide that an application for approval by the Minister may be referred to the Ontario Municipal Board for decision.

**LEGISLATIVE REQUIREMENTS FOR SUBDIVISION APPROVAL
ADAPTED FROM THE PLANNING ACT**

Section 50:

i) Subsection 2; Information required to be shown on the draft plans:

- | | |
|--|--|
| <p>(a) the boundaries of the land to be subdivided, certified by an Ontario Land Surveyor;</p> <p>(b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;</p> <p>(c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;</p> <p>(d) the purpose for which the lots are to be used;</p> <p>(e) the existing uses of all adjoining lands;</p> | <p>(f) the approximate dimensions and layout of the proposed lots;</p> <p>(g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;</p> <p>(h) the availability and nature of domestic water supplies;</p> <p>(i) the nature and porosity of the soil;</p> <p>(j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;</p> <p>(k) the municipal services available or to be available to the land proposed to be subdivided; and</p> <p>(l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.</p> |
|--|--|

ii) Subsection 4; It is necessary to take into account the health, safety, convenience and welfare of the future inhabitants, when considering a draft plan of subdivision.

iii) Subsection 5; The Minister may impose as a condition of approval that 2% of the land in a proposed commercial or industrial subdivision be conveyed to the municipality for park or other public recreational purposes. For other types of subdivisions he may require the conveyance of 5% of the land instead.

iv) Subsection 6; Every municipality and the Minister may enter into subdivision agreements imposed as a condition of draft approval.

v) Subsection 7; Where the Minister imposes a condition regarding parkland conveyance and the municipality has parkland provision policies in its official plan, the municipality may require that land included in a residential subdivision plan be conveyed at the rate of up to one hectare for each 300 dwelling units proposed.

vi) Subsection 8; Where the Minister imposes a condition regarding parkland conveyance, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land to the value of the land otherwise required to be conveyed.

**ADDITIONAL INFORMATION FOR
CONDOMINIUM DRAFT PLANS**

- i) Proposed exclusive use areas of the common element such as backyards, parking.**
- ii) Roadways and pedestrian access to proposed private units.**

DO NOT RETURN THIS INSTRUCTION SHEET WITH COMPLETED APPLICATION

SUBDIVISION & CONDOMINIUM APPLICATION

for applying for approval under section 50
of the Planning Act, 1983
and under section 50 of The Condominium Act

1. Local Municipality	Lot Number	Date of Registration
	Concession Number	Registered Plan Number

2. Resubmission of an earlier plan: ☐ Yes ☐ No ☐ Do Not Know

3. Complete the following and check the box next to the person or firm to whom the correspondence should be addressed. (In order to avoid delays, please advise the Plans Administration Branch if there is a change in the mailing address below.)

	Name	Address and Telephone Number
Registered Owner		
Agent, Solicitor or Planning Consultant		
Ontario Land Surveyor		

4. Proposed Land Use

Indicate the intended uses of land in the proposal. Please use the following definitions for residential buildings:

single family residential — a single family detached dwelling unit.

double or semi-detached — a residential building containing 2 dwelling units.

row/town — a residential building containing 3 or more units with individual direct access to the street.

apartment — a building containing 3 or more dwelling units each with access to the street via a common corridor.

Intended Use	Residential Units	Number of Lots and/or Blocks	Hectares	*This Section for Condominium Applications Only			
				Date of Construction	Floor Coverage	Parking Provided	Density Proposed (specify units per Hectare)
Single Family Residential							
Double or Semi-detached Residential							
Row and Town Housing							
Apartments							
Seasonal Residential (cottage or chalet)							
Mobile Home							
Neighbourhood Commercial	Nil						Nil
Commercial, Other	Nil						Nil
Industrial	Nil						Nil
Park or Open Space	Nil						Nil
Institutional (specify)							
Other (specify)							
TOTAL							

5. Planning Information for Site

From your discussion with local municipal officials what is:

- (a) the land use designation of the subject plans in an approved Regional or County Official Plan or Amendment?

Amendment number: _____

- (b) the land use designation of subject lands in an approved local Official Plan or Amendment?

Amendment number: _____

- (c) the zoning of subject lands in approved zoning by-law or zoning order?

For completion on condominium applications only:

* (d) New Buildings

Has the municipality reviewed a site plan? _____

Has a building permit been issued? _____

Is the building under construction? _____

* (e) Existing Buildings

Is this a rental building being converted to a condominium dwelling?

Are tenants willing to purchase? _____

Has the rental vacancy rate in the community been studied by the municipality?

SERVICING

6. Indicate what services are proposed:

(a) Water Supply

_____ piped water ☐

_____ individual wells ☐

_____ other (describe) ☐

(b) Sewage Treatment

_____ sewers ☐

_____ **septic tanks and tile beds ☐

_____ presewer ☐

_____ other (describe) ☐

(c) Storm Drainage

_____ sewers ☐

_____ open ditches ☐

_____ other (describe) ☐

**If septic tanks are proposed, is fill necessary to meet Medical Officer of Health Standards? ☐ Yes ☐ No

If "yes", specify where it is obtainable: _____

If other servicing problems are foreseen, what are they? _____

What solutions are proposed? _____

ACCESS

7. Is there direct access from the subject lands to a publicly maintained road? ☐ Yes ☐ No

If "no", what provision is there for access to the site? _____

8. If a lakefront development is proposed, without road access;

(a) what type of docking and parking facilities exist on the lake?

(b) what distance are they from the site? _____

(c) how far is the nearest provincial highway? _____

SITE APPRAISAL AND EVALUATION

9. Give a brief description of the existing land use, vegetation, topography and drainage on the site.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

10. Environmental Effects

What measures have been taken to eliminate any adverse environmental effects from the development on the surrounding area (e.g., traffic, noise, odours, pollution of nearby water bodies, run-off, etc.) and to eliminate any adverse effects from the adjacent area on the proposed development (e.g., buffering, berms, setbacks, etc.)? In agricultural areas refer to the Agricultural Code of Practice. Where potential adverse environmental effects are foreseen, consultation with the Ministry of the Environment is recommended.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

11. ADDITIONAL INFORMATION

12. Affidavit

I, _____ of the _____

in the County/District of _____
solemnly declare that all the above statements contained in the within application are true, and I make this solemn
declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under
oath, and by virtue of "The Canada Evidence Act".

Declared before me at the _____

in the County/District of _____

this _____ day of _____

A Commissioner of Oaths

13. Owner's Authorization

If an agent is used, the owner must also complete the following or a similar authorization on the face of the draft plan:

I, _____ being the registered owner of the subject lands hereby authorize

_____ to prepare and submit a draft plan of subdivision/condominium

(Type or Print Name of Agent)

for approval.

Signature

Day

Month

Year

APPENDIX D

REGISTRATION ADDRESSES

APPENDIX D

REGISTRATION ADDRESSES

TITLE EXAMINATION SECTION

(Applications for: First Registration under the Land Titles Act, and
Certification under the Certification of Titles Act)

SECTION HEAD

Don Haig

543 Yonge Street
3rd Floor
Toronto, Ontario
M7A 2J8

Telephone:
(416) 963-0431

CONFIRMATION OF CONDOMINIUM SECTION

(Boundaries Act Applications, Condominium Plans and Strata Reference
Plans)

SECTION HEAD

James N. Gardiner

543 Yonge Street
3rd Floor
Toronto, Ontario
M7A 2J8

Telephone:
(416) 963-0436

REGIONAL SURVEY SERVICES SECTION

(First Application and C.T.A. Plans, including Field Examinations; Plan Corrections; Quality Control (Random Monitoring); Technical Support and Resources Services through six Regional Surveyors)

SECTION HEAD	Henry Roeser	543 Yonge Street 3rd Floor Toronto, Ontario M7A 2J8 Telephone: (416) 963-0436
REGIONS AND LAND REGISTRY OFFICES	REGIONAL SURVEYOR	ADDRESS
Central Region I (Toronto) Dufferin (No. 7), Orangeville Peel (No. 43), Brampton Simcoe (No. 51), Barrie Metropolitan Toronto (No. 66), Toronto, Land Titles	E.S. (Ted) Smith	543 Yonge Street 3rd Floor Toronto, Ontario M7A 2J8 Telephone: (416) 963-0436
Central Region II (Toronto) Haldimand (No. 18), Cayuga Niagara North (No. 30), St. Catharines Niagara South (No. 59), Welland Wentworth (No. 62), Hamilton Toronto City (No. 63), Toronto Registry Toronto Boroughs (No. 64), Toronto, Registry York Region (No. 65), Newmarket	T.L. (Tom) Glassford	543 Yonge Street 3rd Floor Toronto, Ontario M7A 2J8 Telephone: (416) 963-0436
East Region (Kingston) Port Hope (No. 9), Port Hope Newcastle (No. 10), Bowmanville Frontenac (No. 13), Kingston Grenville (No. 15), Prescott Haliburton (No. 19), Minden Hastings (No. 21), Belleville Leeds (No. 28), Brockville Lennox (No. 29), Napanee Northumberland East (No. 38), Colborne Northumberland West (No. 39), Cobourg Durham (No. 40), Whitby Peterborough (No. 45), Peterborough Prince Edward (No. 47), Picton Victoria (No. 57), Lindsay	C.M. (Cam) McKay	1055 Princess Street Suite 109* Kingston, Ontario K7L 5T3 Telephone: (613) 547-4650* *After February 1, 1986: Suite 202 Telephone: (613) 544-4460

Eastern Region (Ottawa)

R.J. (Bob) Meisner

67 Nicholas Street
Ottawa, Ontario
K1N 7B9

Ottawa-Carleton (No. 4),
Ottawa, Land Titles
Ottawa-Carleton (No. 5),
Ottawa, Registry
Dundas (No. 8), Morrisburg
Glengarry (No. 14), Alexandria
Lanark North (No. 26), Almonte
Lanark South (No. 27), Perth
Prescott (No. 46), L'Orignal
Renfrew (No. 49), Pembroke
Russell (No. 50), Russell
Stormont (No. 52), Cornwall

Telephone:
(613) 566-3791

Northern Region (Sudbury)

M.E. (Mike) Brooke

199 Larch Street
3rd Floor
Sudbury, Ontario
P3E 5P9

Algoma (No. 1), Saulte Ste. Marie
Cochrane (No. 6) Cochrane
Kenora (No. 23), Kenora
Manitoulin (No. 31), Gore Bay
Muskoka (No. 35), Bracebridge
Nipissing (No. 36), North Bay
Parry Sound (No. 42),
Parry Sound
Rainy River (No. 48),
Fort Frances
Sudbury (No. 53), Sudbury
Timiskaming (No. 54), Haileybury
Thunder Bay (No. 55), Thunder Bay

Telephone:
(705) 675-4300

Southwest Region (London)

John Keating

80 Dundas Street
Box 5600
London, Ontario
N6A 2P3

Brant (No. 2), Brantford
Bruce (No. 3), Walkerton
Elgin (No. 11), St. Thomas
Essex (No. 12), Windsor
Grey North (No. 16), Owen Sound
Grey South (No. 17), Durham
Halton (No. 20), Milton
Huron (No. 22), Goderich
Kent (No. 24), Chatham
Lambton (No. 25), Sarnia
Middlesex East (No. 33), London
Middlesex West (No. 34), Glencoe
Norfolk (No. 37), Simcoe
Oxford (No. 41), Woodstock
Perth (No. 44), Stratford
Waterloo North (No. 58), Kitchener
Wellington North (No. 60), Arthur
Wellington South (No. 61), Guelph
Waterloo South (No. 67), Cambridge

Telephone
(519) 679-7188

REGISTRY AND LAND TITLES OFFICES

Under the administration of the Property Rights Division, Ministry of Consumer and Commercial Relations, land registry offices operate under the Land Titles and/or Registry system and maintain records of ownership and encumbrances affecting real property. The registration of interests in Personal Property is also effected through land registry offices.

		TELEPHONE
ALGOMA	Box 550, 420 Queen Street Sault Ste. Marie, Ontario P6A 5M8 Land Registrar: P.H. George	705-253-8887
BRANT (Reg.)	Court House, 80 Wellington Street Brantford, Ontario N3T 2L9 Land Registrar: Ms. P. Gale	519-752-8321
BRUCE	203 Cayley Street, Box 1690 Walkerton, Ontario N0G 2V0 Land Registrar: R. Budge	519-881-2251 or 881-2259
COCHRANE	Court House, 149-4th Avenue Box 580 Cochrane, Ontario POL 1C0 Land Registrar: G. W. Ash	705-272-5791
DUFFERIN (Reg.)	75 First Street Orangeville, Ontario L9W 2E7 Land Registrar: Mrs. J. Crawford	519-941-1481
DUNDAS (Reg.)	5th Street Morrisburg, Ontario K0C 1X0 Land Registrar: L. Comrie (Acting)	613-543-2583
PORT HOPE	17 Mill Street North, Box 122 Port Hope, Ontario L1A 3W3 Land Registrar: W. E. Giles	416-885-5616
NEWCASTLE	108 Liberty Street North Box 178 Bowmanville, Ontario L1C 3K9 Land Registrar: G. F. Mackay	416-623-5386

ELGIN	Wellington Street, Box 4 St. Thomas, Ontario N5P 3T5 Land Registrar: W. Burke	519-631-3015
ESSEX	250 Windsor Avenue, 3rd Floor Windsor, Ontario N9A 6V9 Land Registrar: W. Patterson	519-254-6363
FRONTENAC (Reg.)	Court House Kingston, Ontario K7L 2N4 Land Registrar: W. D. Robertson	613-547-2221
GLENGARRY (Reg.)	Box 668, 63 Kenyon Street West Alexandria, Ontario K0C 1A0 Land Registrar: J. C. Brisson	613-525-1315
GRENVILLE (Reg.)	Centre Street, Box 1660 Prescott, Ontario K0E 1T0 Land Registrar: L. A. Cross	613-925-3177
GREY NORTH (Reg.)	Court House, 595-9th Avenue East Owen Sound, Ontario N4K 3E3 Land Registrar: W. I. McArthur	519-376-1637
GREY SOUTH (Reg.)	192 Lambton Street East, Box 10 Durham, Ontario NOG 1R0 Land Registrar: W. I. McArthur	519-369-2011
HALDIMAND (Reg.)	Echo Street, Box 310 Cayuga, Ontario NOA 1E0 Land Registrar: S. Vander Schelde	416-772-3531
HALIBURTON (Reg.)	Box 270, Newcastle Street Minden, Ontario KOM 2K0 Land Registrar: Mrs. J. A. Jackson	705-286-1391
HALTON	491 Steeles Avenue East Milton, Ontario L9T 1Y7 Land Registrar: J. Menard	416-878-7287
HASTINGS	280 Pinnacle Street P. O. Box 1540 Belleville, Ontario K8N 5J2 Land Registrar: S. C. Geneja	613-968-4597

HURON (Reg.)	38 North Street, Box 216 Goderich, Ontario N7A 3Z2 Land Registrar: D. G. Hill	519-524-9562
KENORA	220 Main Street South P. O. Box 1350 Kenora, Ontario P9N 3X7 Land Registrar: R. Edmonds	807-468-3138
KENT (Reg.)	40 William Street North Chatham, Ontario N7M 5L8 Land Registrar: D. R. Craven	519-352-5520
KENT (Lake Erie)(L.T.)	Wellington Street, P. O. Box 4 St. Thomas, Ontario N5P 3T5 Land Registrar: W. Burke	519-631-3015
LAMBTON (Reg.)	Court House, 700 N. Christina Street Sarnia, Ontario N7T 7N5 Land Registrar: K. Doan	519-337-3265 Ext. 40
LANARK NORTH (Reg.)	125 Brougham Street, Box 1180 Almonte, Ontario K0A 1A0 Land Registrar: J. C. Smithson	613-256-1577
LANARK SOUTH (Reg.)	10 Sunset Boulevard, Box 278 Perth, Ontario K7H 3E4 Land Registrar: D. T. Wilson	613-267-1144
LEEDS (Reg.)	Box 633, 7 King Street West Brockville, Ontario K6V 5V2 Land Registrar: L. A. Cross	613-345-5751
LENNOX (Reg.)	87 Thomas Street, Box 307 Napanea, Ontario K7R 3M4 Land Registrar: B. M. Drew	613-354-3751
MANITOULIN	Phipps Street, Box 265 Gore Bay, Ontario POP 1H0 Land Registrar: R. Lane	705-282-2442
MIDDLESEX EAST (Reg. & L.T.)	80 Dundas Street, P.O. Box 5600 London, Ontario N6A 2P3 Land Registrar: L. Dalton	519-679-7180

MIDDLESEX WEST (Reg. & L.T.)	178 McKellar Street Drawer 9 Glencoe, Ontario NOL 1M0 Land Registrar: W. S. Newman	519-287-2511
MUSKOKA	15 Dominion Street, Box 720 Bracebridge, Ontario POB 1C0 Land Registrar: R. C. Stewart	705-645-4415
NIAGARA NORTH	59 Church Street, Box 126 St. Catharines, Ontario L2R 6R4 Land Registrar: J. Grammar	416-684-6351
NIAGARA SOUTH	200 Division Street, Box 730 Welland, Ontario L3B 3G1 Land Registrar: S. Vander Schelde	416-735-4011
NIPISSING	514 Main Street West North Bay, Ontario P1B 2V4 Land Registrar: S. S. Mercer	705-474-2270
NORFOLK (Reg.) and HALDIMAND-NORFOLK (L.T.)	Court House, Highway #3 West Simcoe, Ontario N3Y 4K8 Land Registrar: R. W. Appleton	419-426-2216
NORTHUMBERLAND EAST (Reg.)	King Street, Box 339 Colborne, Ontario KOK 1S0 Land Registrar: D. Snider	416-355-2338
NORTHUMBERLAND WEST (Reg.)	Highway #2, Box 668 Cobourg, Ontario K9A 4R5 Land Registrar: R. C. Reeson	416-372-3813
DURHAM	400 Centre Street South Whitby, Ontario L1N 4W2 Land Registrar: G. F. MacKay	416-668-6811
OTTAWA-CARLETON (Reg.)	Court House, 67 Nicholas Street Ottawa, Ontario K1N 7B9 Land Registrar: J. W. G. Armstrong	613-566-3756
OTTAWA-CARLETON	Court House, 2 Daly Avenue Ottawa, Ontario K1N 6E2 Land Registrar: J. H. Hale	613-566-3791

OXFORD	75 Graham Street, Box 246 Woodstock, Ontario N4S 7W8 Land Registrar: R. K. Thomson	519-537-6287
PARRY SOUND	28 Miller Street Parry Sound, Ontario P2A 1T1 Land Registrar: J. Boyer	705-746-5816
PEEL	P.O. Box 1200, 7765 Hurontario Street Brampton, Ontario L6V 2L8 Land Registrar: A. Cordery	416-457-5350
PERTH (Reg.)	York Street West, Box 902 Stratford, Ontario N5A 6T1 Land Registrar: H. Stolch	519-271-3343
PETERBOROUGH	Court House, 470 Water Street Peterborough, Ontario K9H 3M3 Land Registrar: W. E. Giles	705-745-0583 EXT. 44
PRESCOTT	Queen & Court Streets, Box 302 L'Orignal, Ontario K0B 1K0 Land Registrar: A. Benard	613-675-4648
PRINCE EDWARD (Reg.)	Box 1310, 1 Pitt Street Picton, Ontario K0K 2T0 Land Registrar: R. G. Rowe	613-476-3219
RAINY RIVER	353 Church Street Box 398 Fort Frances, Ontario P9A 3M7 Land Registrar: A. K. Damley	807-274-5451
RENFREW (Reg.)	283 Pembroke Street East Box 760 Pembroke, Ontario K8A 6X1 Land Registrar: B. L. O'Brien	613-732-8331
RUSSELL	469 Concession Street, Box 10 Russell, Ontario K0A 3B0 Land Registrar: R. H. Gregoire	613-445-2138

SIMCOE	Court House, 114 Worsley Street Barrie, Ontario L4M 1M1 Land Registrar: W. Broadhurst	705-728-1221 Ext. 60
STORMONT (Reg.)	Box 1268, 127 Sydney Street Cornwall, Ontario K6H 5V3 Land Registrar: Mrs. V. A. McDonald	613-932-4522
SUDBURY	199 Larch Street, 3rd Floor Sudbury, Ontario P3E 5P9 Land Registrar: W. Zaverucha	705-675-4300 Ext. 244,5,6
THUNDER BAY (Reg. L.T.)	29 Royston Court, Postal Station "P" Thunder Bay, Ontario P7A 4Y7 Land Registrar: J. M. Donnelly	807-475-1235
TIMISKAMING	375 Main Street, Box 159 Haileybury, Ontario P0J 1K0 Land Registrar: Ms. L. Leblanc	705-672-3332
TORONTO CITY (Reg.)	The Atrium on Bay, Box 99 595 Bay Street Toronto, Ontario M5G 2C2 Land Registrar: J. L. Haughey	416-965-7553
TORONTO BOROUGHES (Reg.)	The Atrium on Bay Box 108, 595 Bay Street Toronto, Ontario M5G 2C2 Land Registrar: (Vacant)	416-965-7588
METROPOLITAN TORONTO (L.T.)	The Atrium on Bay Box 117, 595 Bay St. Toronto, Ontario M5G 2C2 Land Registrar: Mrs. B. Cowley	416-965-5248
VICTORIA (Reg.)	Provincial Court Bldg., Box 430 440 Kent Street West Lindsay, Ontario K9V 4S5 Land Registrar: Mrs. E. A. Legacey	705-324-4912 or 324-5090
WATERLOO NORTH (Reg.)	200 Frederick Street, 3rd Floor Kitchener, Ontario N2G 3W9 Land Registrar: D. R. McKnight	519-576-1330

WATERLOO SOUTH (Reg.)	150 Main Street (The Mall) Cambridge, Ontario N1R 6P9 Land Registrar: Ms. M. Williams	519-653-5778
WELLINGTON NORTH (Reg.)	248 George Street, Box 389 Arthur, Ontario NOG 1A0 Land Registrar: M. Flood	519-848-2300
WELLINGTON SOUTH	Box 905, 21 Douglas Street Guelph, Ontario N1H 6M6 Land Registrar: K. McCrea	519-822-0251
WENTWORTH,,	Ontario Government Bldg. Box 2112 119 King Street West, 4th Floor Hamilton, Ontario L8N 3Z9 Land Registrar: Mrs. V. Mattuzzi	416-521-7561 or 521-7562
YORK REGION (Reg. & L.T.)	50 Eagle Street West Newmarket, Ontario L3Y 6B1 Land Registrar: J. Small	416-895-1561

For further information, contact any of the following offices of the Ministry of Municipal Affairs:

Community Planning Advisory Branch

Central Region

47 Sheppard Avenue East
2nd Floor
Willowdale, Ontario
M2N 2Z8
Telephone: (416) 224-7635
ZENITH 52650

North East Region

1191 Lansing Avenue
Sudbury, Ontario
P3A 4C4
Telephone: (705) 560-0120
TOLL FREE 1-800-461-1193

South East Region

244 Rideau Street
3rd Floor
Ottawa, Ontario
K1N 5Y3
Telephone: (613) 566-3801
ZENITH 52650

North West Region

435 James Street South
Thunder Bay, Ontario
P7C 5G6
Telephone: (807) 475-1651
ZENITH 52650

South West Region

495 Richmond Street
7th Floor
London, Ontario
N7A 5A9
Telephone: (519) 673-1611
TOLL FREE 1-800-265-4736

Plans Administration Branch - North and East

777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5
Telephone: (416) 585-6014

Plans Administration Branch - Central and Southwest

777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5
Telephone: (416) 585-6014

Office of Local Planning Policy

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